

THE RICHMOND NEWS LEADER
27 April 70

Sec. 4.0.1.2 Points of
Rebellion

Impeaching Justice Douglas

The word "impeachment" gained a bad name as a battle cry hurled by the John Birch Society against former Chief Justice Earl Warren. Yet impeachment remains soundly rooted in the U.S. Constitution, and Associate Justice William O. Douglas may well become the next subject of impeachment proceedings.

The case against Justice Douglas certainly justifies this action:

- From 1961 until May of 1969, Justice Douglas served as president of the Parvin Foundation's board, at an annual salary of \$12,000 a year plus expenses. The Parvin Foundation has close ties with many Las Vegas gamblers and members of the underworld; a good part of its income derives from gambling interests.

- In a tax investigation involving the Parvin Foundation, Justice Douglas charged that the Internal Revenue Service was indulging in a "manufactured case" to "get me off the court." The liberal *Washington Post* said editorially that this obvious bias against the IRS should force Justice Douglas to disqualify himself from hearing arguments in any case involving the IRS.

- In 1962 and 1963, Justice Douglas received \$4,105 from the leftist Center for the Study of Democratic Institutions, a protégé of the Ford Foundation. The Center also has been the second largest beneficiary of funds from the Parvin Foundation. Since January of 1968, Justice Douglas has received \$4,000 in \$500-a-day fees for participating in seminars sponsored by the Center.

- In an 18-month period, Justice Douglas wrote four articles for "Playboy" magazine, a periodical thought by many to be an exercise in voyeurism.

- On numerous occasions, Justice Douglas has criticized the CIA, the Pentagon, the Army Corps of Engineers, the FBI, and other government agencies that presumably might be involved in litigation at some point before the Supreme Court.

- Justice Douglas' recently published book, *Points of Rebellion*, tacitly condones anarchism and endorses revolution as a last resort against the American establishment, which the Justice describes as a modern version of the tyrant George III. Excerpts from this book appeared in the current issue of "Evergreen Review," a monthly magazine judged by many as

hard-core pornography. The excerpts were sandwiched in between erotic nude photographs.

- While the libel case brought by Barry Goldwater against Ralph Ginzburg was proceeding toward the Supreme Court through lower courts, Justice Douglas wrote an article for a Ginzburg publication called "Avante Garde." The article, "Appeal of Folk Singing: A Landmark Opinion," appeared on page 16 of the May, 1969, issue, immediately following an article entitled, "The Decline and Fall of the Female Breast." Ginzburg says he paid Justice Douglas \$350 for the article. On January 26 of this year, the Supreme Court upheld a lower court decision in favor of Senator Goldwater, Justice Douglas dissenting.

The pattern reviewed in this list of actions by Justice Douglas clearly provides grounds for impeachment. The conflict-of-interest charges against him in the Parvin case and in the Ginzburg issue are far graver than similar charges leveled at former Justice Abe Fortas, who resigned rather than face impeachment proceedings. If nominated to the Supreme Court today, Justice Douglas would have no chance of approval.

Under the Constitution, the House has the sole authority to impeach Federal judges; it acts as prosecutor and grand jury, and only a simple majority of votes would be required for impeachment. The Senate then would act as judge and jury; a two-thirds vote in the Senate would be required to remove a judge from office. In coming weeks, the charges against Justice Douglas will be considered by

a congressional committee to determine if he remains fit to serve on the high court. Supreme Court justices hold their posts during "good behavior," and Justice Douglas' record hardly exemplifies "good behavior."

The movement to impeach Justice Douglas has been criticized as an effort for revenge in the wake of Senate rejections of the Haynsworth and Carswell nominations, by the same persons who professed the purity of their motives in fighting these nominations. They wanted to protect the prestige of the high court, they say. If they indeed are so protective of the high court's prestige, they may soon have another opportunity. The removal from office of Justice William O. Douglas offers a logical place to begin.